

# **FISCAL MEMORANDUM**

## **SB 3791 – HB 3436**

May 13, 2008

**SUMMARY OF AMENDMENT (016377, 016628, 017437, 018269, 018270):** Amendment 016377 deletes the original bill in its entirety. Provides time frames within which workers' compensation benefit review conference requests must be filed. Requires any administrator's designee to be a licensed Tennessee attorney with a minimum of five years of experience with Tennessee Workers' Compensation Law. Authorizes parties to proceed directly to court in certain circumstances based upon rules promulgated by the Department of Labor and Workforce Development (LWFD). Requires physicians and chiropractors to determine impairment ratings and to report to LWFD within 10 calendar days from the date of maximum medical improvement. Requires such rating to be reflected in the employee's medical records and provided to the employer upon request. The provider would be authorized to charge a fee of \$150 for such report. Revises the requirements for the dismissal of a workers compensation claim when the employee fails to appear at the scheduled benefit review conference. Amendment 016628 increases from 10 to 20, the number of days a physician or chiropractor has to determine an injured employee's anatomical impairment rating. Removes the \$150 fee that may be charged by a physician or chiropractor for provision of a final medical report and makes such fee equivalent to the fee established by the LWFD. Amendment 017437 deletes the amendatory language of the first sentence of subdivision (b)(4) in section eight of the bill and replaces it with language authorizing LWFD to prohibit any additional fee for the completion of a final medical report. Amendment 018269 deletes section eight of the amended version of the bill and replaces it with language requiring the Commissioner of the Department of Labor and Workforce Development to establish rules governing the provision of the medical impairment rating required by Tenn. Code Ann. § 50-6-204(d)(3)(A). The establishment of such rules will be done in conjunction with the advisory council on workers' compensation. Rules promulgated in accordance with this requirement will take effect October 1, 2008. Amendment 018270 deletes section 11 of the amended version of the bill and replaces it with language requiring any comments by the advisory council on workers' compensation to describe the potential effects of proposed legislation on the workers' compensation system and to provide information or suggestions that the council may think helpful.

### **FISCAL IMPACT OF ORIGINAL BILL:**

Decrease State Expenditures – Not Significant

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## **FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

### **Increase State Expenditures – Not Significant**

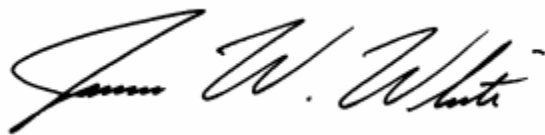
**Other Fiscal Impact – To the extent that the Department of Labor and Workforce Development decides to authorize a fee for the provision for a final medical report there will be an increase in expenditures to the Risk Management Fund. The amount of such increase cannot be quantified without knowing the amount of such fee. If LWFD chooses not to authorize such fee, there will be no impact to the Risk Management Fund.**

Assumption applied to amendment:

- Any increase in state expenditures for LWFD to implement the provisions of the bill are estimated to be not significant and can be handled without an increased appropriation or reduced reversion.

## **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/cce